

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11175 OF 2017

ORDER:

The Notice in Roc.No.622/2009/A1, dated 06.01.2017, issued by the 3rd respondent directing the petitioner to vacate the Shop No.1, situated near Old Panchayat Office, Ichapuram, is challenged in this Writ Petition.

The case of the petitioner is that he is the lessee of the Shop No.1 situated near old Panchayat Office, Ichapuram Village and Mandal, since long time. Originally, his grandfather was leased out the property in 1998 by the 3rd respondent-Municipality and thereafter his brother succeeded to the said property and during the year 2012 his brother died, during the subsistence of the lease, and presently the petitioner is carrying on the business in the subject premises. It is further submitted that the petitioner made an application seeking to renew the lease, but the same was not considered and now the impugned notice dated 06.01.2017 has been issued to the petitioner to vacate the premises by 31.03.2017. Petitioner also submits that his application for renewal dated 01.03.2017 is also pending with the 3rd respondent.

Learned standing counsel on instructions submits that the petitioner was not the lessee and the petitioner and his family members have been continuing since 1999 in the said premises. They have no right to continue and admittedly the lease period will be expired on 31.03.2017 and for that reason only to enable the petitioner to find an alternative accommodation, Notice dated 06.01.2017 was issued much in advance to the petitioner.

Having considered the respective submissions and admittedly there being no vested right in the petitioner to continue beyond the lease period, there cannot be any writ of mandamus directing the respondents to allow the petitioner to continue in the premises. However, considering the fact that as of date no notice has been issued to conduct public auction and the lease of the subject premises is required to be given through public auction only, the petitioner shall be allowed to continue in the subject premises till the public auction is granted. Liberty is granted to the petitioner to participate in the public auction and if emerges as successful bidder, he shall be entitled to continue in subject premises subject to the terms of auction.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any pending, shall also stand closed.

CHALLA KODANDA RAM, J

Date:30.03.2017.

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